

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated August 15, 2007 (hereinafter Office Action) have been considered but are believed to be improper or overcome. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

In view of the comments in the Advisory Action dated November 14, 2007, it is Applicant's understanding that the previous objection to the drawings and § 112 rejection have been overcome. If this understanding is incorrect, Applicant requests clarification and an opportunity to respond.

With respect to the sole § 103(a) rejection based on the teachings of U.S. Patent No. 6,037,937 to Beaton *et al.* (hereinafter "Beaton") as modified by the teachings of U.S. Patent No. 6,901,558 to Andreas *et al.* (hereinafter "Andreas"), Applicant respectfully maintains the previous traversal because the cited references alone, or in combination, do not teach or suggest each of the claimed limitations. As set forth in the Advisory Action, the Examiner is interpreting the "document of the displayed text to be the display area of the electronic device". However, this interpretation appears to ignore the limitations "of the electronic device". The claims are directed to changing the location of a control area on the display of a device (*e.g.*, from one corner of a display to another corner of the display). Beaton specifically discloses that the location of the navigation tool remains in the center of a device's display as illustrated in Figs. 10A-C of Beaton. The fact that the location of Beaton's navigation tool has changed within a displayed document does not correspond to the claimed changing location in a display area of an electronic device.

However, in an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1, 10 and 19 to explicitly indicate that the location of the control area is changed on the display of the electronic device. These changes merely characterize the relationship already present between the control area and the device display and are consistent with the language of independent Claims 10 and 20,

and therefore, do not introduce new matter. As Beaton alone, or as modified by Andreas, does not teach a control block for changing the location of the floatable control area on a display of the electronic device as in the claimed invention, the § 103(a) rejection is improper.

Applicant notes that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See, e.g., MPEP § 2143.03. The Examiner appears to have ignored certain claim limitations, which are not taught by either of the cited references. In addition to Beaton’s failure to teach at least the above-discussed limitations, Andreas has also not been shown to teach or suggest any changing of location of a floatable control area. As neither of the asserted references teaches at least these limitations, any combination thereof must also fail to teach such limitations. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2-9, 11-18 and 21 depend from independent Claims 1 and 10, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Beaton and Andreas. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP § 2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-9, 11-18 and 21 are also patentable over the asserted combination of Beaton and Andreas.

Moreover, Applicant maintains that a skilled artisan would not be motivated to combine the cited teachings as asserted. As pointed out previously the assertion that a skilled artisan would modify Beaton's navigation tool into a progress bar as taught by Andreas to provide the benefit of indicating the status of loading operation of a page in a non-obtrusive way is illogical since Beaton does not discuss any loading of pages such that a progress bar would be necessary. The reasoning set forth in the Advisory Action based upon Beaton's mention of a "home function" appears to be unsupported. First, Beaton does not further discuss the "home function" other than that it may be an option (column 5, lines 40-47). Second, since Beaton's navigation tool is used to navigate within a document, the document would already need to be loaded for the tool to be activated/displayed. Beaton makes no mention that the navigation tool is used to load or obtain a document, merely to navigate within it. Also, there is no indication that Beaton's navigation tool is displayed prior to the display of the document to be navigated. Rather, the Summary (column 2, lines 23-26) indicates that "[i]nitially, the system displays the content information", which would indicate that the document is already present such that the navigation tool (or the home function) is not used to load the document. For at least the above reasons, the asserted motivation for modifying Beaton's navigation tool does not exist in Beaton; therefore, it has not been shown that a skilled artisan would have modified Beaton as asserted.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.033.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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